

# **Village of Berlin Heights**

## **Zoning Ordinance**

## TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I	General Provisions 1
	1.0 Title 1
	1.1 Interpretation 1
	1.2 Separability 1
	1.3 Repeal of Conflicting Ordinance 1
	1.4 Effective Date 1
	1.5 Incorporation of Maps 1
	1.6 Identification and Alteration of the Official Zoning Map 1
	1.7 Replacement of Official Zoning Map 2
ARTICLE 2	2.0 Intent and Purposes 3
ARTICLE 3	Construction of Language and Definitions 4
	3.0 Construction of Language 4
	3.6 Definitions 4
ARTICLE 4	Administration 28
	4.0 Purpose 28
	4.1 General Provisions 28
	4.2 Zoning Inspector 28
	4.3 Responsibilities of Zoning Inspector 28
	4.4 Planning Commission 29
	4.5 Proceedings of Planning Commission 30
	4.6 Duties of Planning Commission 30
	4.7 Board of Zoning Appeals 30
	4.8 Proceedings of the Board of Zoning Appeals 31
	4.9 Duties of the Board of Zoning Appeals 31
	4.10 Duties of the Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal 31
	4.11 Village Council 32
	4.12 Schedule of Fees 32
ARTICLE 5	Enforcement 34
	5.0 General 34
	5.1 Zoning Permits Required
	5.2 Contents of Application for Zoning Permit 34
	5.3 Approval of Zoning Permit 35
	5.4 Submission to Director of Transportation 35
	5.5 Expiration of Zoning Permit 35

**TABLE OF CONTENTS**  
(Cont'd.)

5.6	Certificate of Occupancy	36
5.7	Temporary Certificate of Occupancy	36
5.8	Record of Zoning Permits and Certificates of Occupancy	36
5.9	Failure to Obtain a Zoning Permit of Certificate of Occupancy	37
5.10	Construction and Use to be as Provided in Applications, Plans, Permits and Certificates	37
5.11	Complaints Regarding Violations	37
5.12	Entry and Inspection of Property	37
5.13	Stop Work Order	37
5.14	Zoning Permit Revocation	37
5.15	Notice of Violation	37
5.16	Ticketing Procedure	37
5.17	Penalties and Fines	38
5.18	Additional Remedies	39
<b>ARTICLE 6</b>	<b>Nonconformities</b>	<b>40</b>
6.0	Purpose	40
6.1	Incompatibility of Nonconformities	40
6.2	Avoidance of Undue Hardship	40
6.3	Certificates for Nonconforming Uses	41
6.4	Substitution of Nonconforming Uses	41
6.5	Single nonconforming lots of record	42
6.6	Nonconforming Lots of record in Combination	42
6.7	Nonconforming Uses of Land	42
6.8	Nonconforming Structures	43
6.9	Termination of Use through Discontinuance	43
6.10	Termination of Use by Damage or Destruction	43
6.11	Repairs and Maintenance	44
<b>ARTICLE 7</b>	<b>Procedures and Requirements for Appeals and Variances</b>	<b>45</b>
7.0	General	45
7.1	Appeals	45
7.2	Stay of Proceedings	45
7.3	Variances	45
7.4	Application and Standards for Variances	46
7.5	Additional Conditions and Safeguards	47
7.6	Public Hearing by the Board of Zoning Appeals	47

**TABLE OF CONTENTS**  
(Cont'd.)

	<u>Page</u>
7.7 Notice of Public Hearing in Newspaper	47
7.8 Notice to Parties in Interest	47
7.9 Action by Board of Zoning Appeals	47
7.10 Term of Variance	48
7.11 Authorized Variances	48
<b>ARTICLE 8</b> Amendment	50
8.1 General	50
8.2 Initiation of Zoning Amendments	50
8.3 Contents of Application for Zoning Map Amendment	50
8.4 Contents of Application for Zoning Text Amendment	50
8.5 Contents of Application for Zoning Text Amendment	51
8.6 Transmittal to Planning Commission	51
8.7 Submission to Director of Transportation	51
8.8 Recommendation by Planning Commission	51
8.9 Public Hearing by Village Council	52
8.10 Notice of Public Hearing in Newspaper	52
8.11 Notice to Property Owner by Village Council	52
8.12 Action by Village Council	52
8.13 Effective Date & Referendum	53
8.14 Annexation	53
<b>ARTICLE 9</b> Procedures and Requirements for Conditional Use Permits; Substantially Similar Uses; Accessory Uses	54
9.0 Purpose	54
9.1 Contents of Conditional Use Permit	54
9.2 General Standards for all Conditional Uses	55
9.3 Specific Criteria for Conditional Uses	56
9.4 Public Service Facility	56
9.5 Church	56
9.6 Cemetery	56
9.7 Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service and Bookkeeping Service, Office and other similar establishments	57

TABLE OF CONTENTS  
(Cont'd.)

	<u>Page</u>
9.8 Veterinary Clinic and Kennel	57
9.9 Child Day/Care Center-Type A Family Day-Care Home	58
9.10 Funeral Home	58
9.11 Boarding Home, Rooming House	59
9.12 Bed-and-Breakfast Homestay or Tourist Home	59
9.13 Mini-Storage Buildings	59
9.14 Airport	62
9.15 Golf courses and driving ranges	63
9.16 Hotels and motels	65
9.17 Transmitter/Receiver Towers	65
9.18 Cellular Telephone Communications Service	65
9.19 Housing for the Elderly	66
9.20 Convalescent and/or Nursing Home	66
9.21 Education Facilities	66
9.22 Firework Sales	67
9.23 Sewage Treatment	67
9.24 Public, Parochial Schools	67
9.25 Automobile Service Stations	67
9.26 Travel Trailer Park	68
9.27 Recycling paper, glass & metal products	68
9.28 Noncommercial keeping of live- stock	68
9.29 Processing of Farm Products	69
9.30 Car Washes	69
9.31 Billboards	70
9.32 Neighborhood Convenience Store	70
9.33 Night Clubs	71
9.34 Retail Sales Outlet	72
9.35 Public Hearing	72
9.36 Notice of Public Hearing	72
9.37 Notice to Parties of Interest	72
9.38 Action by the Board of Zoning Appeals	73
9.39 Supplementary Conditions & Safeguards	73
9.40 Expiration of Conditional Use	73
9.41 Regulation of Accessory Uses	74
9.42 Definition	74
9.43 Features noted as Accessory Uses & Structures	74
9.44 Accessory Use & Structures as Permitted Uses	74
9.45 Certificates for Conditional Use	74
ARTICLE 10 Official Zoning Forms	75

**TABLE OF CONTENTS**  
(Cont'd.)

	<u>Page</u>
10.1 Application for Zoning Permit	75
10.2 Application for Certificate of Occupancy	77
10.3 Revocation of Zoning Permit	78
10.4 Application for Zoning Amendment	79
10.5 Notification of Zoning Action to Adjoining Property Owners	81
10.6 Application for Temporary Use Permit	82
10.7 Notice of Zoning Violation	83
10.8 Nonconforming Certificate	84
10.9 Application for Reasonable Alteration or Enlargement of a Nonconforming Structure	85
10.10 Application for Appeal, Board of Zoning Appeals	86
10.11 Application for Variance, Board of Zoning Appeals	88
10.12 Application for Conditional Use Permit, Board of Zoning Appeals	90
10.13 Conditional Use Certificate	92
10.14 Conditional Use Certificate	93
<b>ARTICLE 11</b> Zoning Districts and Boundaries Interpretation	94
11.0 Purpose	94
11.1 Establishment of Districts	94
11.2 Zoning Districts Map	94
11.3 Legend	95
11.4 Identification of Official Zoning Map	95
11.5 Interpretation of District Boundaries	95
<b>ARTICLE 12</b> Conservation/Recreation District	97
12.0 Statement of Purpose	97
12.1 Permitted Uses	97
12.2 Conditional Uses	98
12.3 Development Standards	98
12.4 Setback from Property Lines	98
12.5 Height Limitations	98
12.6 Required Parking	98
12.7 Signs	98
12.8 Site and Landscape Plan Review	98

**TABLE OF CONTENTS**  
(Cont'd.)

		<u>Page</u>
	12.9 Screening/Buffering	98
ARTICLE 13	Rural Residential (R-R)	99
	13.0 Purpose	99
	13.1 Principal Permitted Uses	99
	13.2 Conditionally Permitted Uses	100
	13.3 Development Standards	100
	13.4 Required Parking	100
	13.5 Signs	100
	13.6 Accessory Structures	100
	13.7 Home Occupation as a Permitted Use	101
ARTICLE 14	Single-Family Residential (R-1)	
	14.0 Purpose	103
	14.1 Principal Permitted Uses	103
	14.2 Development Standards	103
	14.3 Required Parking	103
	14.4 Signs	103
	14.5 Accessory Buildings	104
	14.6 Home Occupation as a Permitted Use	104
ARTICLE 15	Two-Family Residential District (R-2)	106
	15.0 Purpose	106
	15.1 Principal Permitted Uses	106
	15.2 Development Standards	106
	15.3 Required Parking	106
	15.4 Signs	106
	15.5 Accessory Buildings	
	15.6 Home Occupation as a Permitted Use	106
ARTICLE 16	Multi-Family Residential District (R-3)	107
	16.0 Statement of Purpose	109
	16.1 Principal Permitted Uses	109
	16.2 Site & Landscape Plan Review	109
	16.3 Screening/Buffering	110
	16.4 Lot, Yard and Area Building Requirements	110

**TABLE OF CONTENTS**  
(Cont'd.)

		<u>Page</u>
	16.5 Required Parking	111
	16.6 Signs	111
	16.7 Accessory Buildings	111
	16.8 Development Standards for Multi-Family Development	
<b>ARTICLE 17</b>	<b>Local Commercial District (C-1)</b>	<b>114</b>
	17.0 Statement of Purpose	114
	17.1 Principal Permitted Uses	114
	17.2 Required Conditions	114
	17.3 Conditionally Permitted Uses	114
	17.4 Site and Landscape Plan Review	115
	17.5 Screening/Buffering	116
	17.6 Development Standards	116
	17.7 Required Parking	116
	17.8 Signs	116
<b>ARTICLE 18</b>	<b>General Commercial District (C-2)</b>	<b>117</b>
	18.0 Statement of Purpose	117
	18.1 Principal Permitted Uses	117
	18.2 Conditionally Permitted Uses	117
	18.3 Development Standards	118
	18.4 Site and Landscape Plan Review	120
	18.5 Screening/Buffering	120
	18.6 Required Parking	120
	18.7 Signs	121
<b>ARTICLE 19</b>	<b>Light Industrial (I-1)</b>	<b>122</b>
	19.0 Statement of Purpose	122
	19.1 Principal Permitted Uses	122
	19.2 Site and Landscape Plan Review	122
	19.3 Screening/Buffering	123
	19.4 Development Standards	123
	19.5 Required Parking	123
	19.6 Signs	123
	19.7 Accessory Buildings	123
	19.8 Industrial Performance Standards	123
	19.9 Prohibition of Outside Storage and Land Use	124
<b>ARTICLE 20</b>	<b>Heavy Industrial (I-2)</b>	
	20.0 Statement of Purpose	125



**TABLE OF CONTENTS**  
(Cont'd.)

		<u>Page</u>
	20.1 Principal Permitted Uses	125
	20.2 Site and Landscape Plan Review	125
	20.3 Screening/Buffering	
	20.4 Development Standards	126
	20.5 Required Parking	126
	20.6 Signs	126
	20.7 Accessory Buildings	126
	20.8 Industrial Performance Standards	126
<b>ARTICLE 21</b>	<b>Mineral Aggregate District (MG)</b>	<b>128</b>
	21.0 Statement of Purpose	128
	21.1 Principal Permitted Uses	128
	21.2 Conditionally Permitted Uses	128
	21.3 Performance Standards	129
	21.4 Amendments to the Resolution	131
	21.5 Site and Landscape Plan Review	132
	21.6 Screening/Buffering	132
	21.7 Development Standards	133
	21.8 Required Parking	133
	21.9 Signs	133
	21.10 Accessory Buildings	133
<b>ARTICLE 22</b>	<b>Planned Unit Development Regulations</b>	<b>134</b>
	22.1 Planned Unit Development Regulations	134
	22.2 Statement of Purpose	134
	22.3 Definition	134
	22.4 Interpretation	134
	22.5 PUD District Designation	134
	22.6 Uses Permitted in a PUD District	135
	22.7 Disposition of Open Space	135
	22.8 Utility Requirements	136
	22.9 Special PUD Lot Requirements	136
	22.10 Arrangement of Commercial Manufacturing Uses	136
	22.11 Procedure for Approval of Major Planned Unit Development Districts	136
	22.12 Pre-Application Meeting	136
	22.13 Preliminary Development Plan Application Requirements	137
	22.14 Village Planning Commission Public Hearing	138
	22.15 Notice of Public Hearing	138
	22.16 Public Access to Proposed	

**TABLE OF CONTENTS**  
(Cont'd)

	<u>Page</u>
PUD Documents	138
22.17 Approval in Principle of Preliminary Development Plan	139
22.18 Submission of Final Development Plan	139
22.19 Final Development Plan Application Contents	139
22.20 Public Hearing by Commission	140
22.21 Recommendation by Commission	140
22.22 Criteria for Commission Recommendation	140
22.23 Public Hearing by Village Council	141
22.24 Notice of Public Hearing by Village Council	141
22.25 Action by Village Council	142
22.26 Supplementary Conditions and Safeguards	142
22.27 Expiration and Extension of Approval Period	142
22.28 Changes in the Planned Unit Development	143
22.29 General Standards for Making Determinations	143
22.30 Development Policies	145
22.31 Site Design	145
22.32 Placement of Structures	146
<b>ARTICLE 23</b>	
Floodplain, Floodway & Wetland Overlay District (F.F. & W.)	147
23.0 Statement of Purpose	147
23.1 Boundaries Further Defined	147
23.2 Artificial Obstructions within Floodplain	147
23.3 Permissible Uses within Floodways	147
23.4 Limitations on Uses within Floodways & Floodplains	147
23.5 Site and Landscaping Plan Review	152
23.6 Reference to Flood Plain Permit	
23.7 Wetlands	152
23.8 Permits Required	152
23.9 Wetland Zone Mapping	152
<b>ARTICLE 24</b>	
Supplementary District Regulations	153

**TABLE OF CONTENTS**  
(Cont'd.)

	<u>Page</u>	
24.0	General	153
24.1	Conversions of Dwellings to More Than One Unit	153
24.2	Principal Building Per Lot	153
24.3	Reduction of Area or Space	154
24.4	Construction in Easements	154
24.5	Parking and Storage of Vehicles and Trailers	154
24.6	Required Refuse Collection Areas	154
24.7	Junk	154
24.8	Supplemental Yard and Height Regulations	155
24.9	Setback Requirements for Buildings on Corner Lots	155
24.10	Fence and Wall Restrictions in Front Yards	155
24.11	Yard Requirements for Multi- Family Dwellings	156
24.12	Exceptions to Height Regulations	156
24.13	Architectural Projections	156
24.14	Visibility at Intersections	156
24.15	Objectionable, Noxious or Dangerous Uses, Practices or Conditions	156
24.16	Enforcement Provisions	157
24.17	Temporary Uses	157
24.18	Screening/Buffering	159
24.19	Site Plan Review	160
24.20	Setback on Cul-de-sacs	165
24.21	Access	165
<b>ARTICLE 25</b>	<b>Special Regulations</b>	<b>166</b>
25.0	General	166
25.1	Regulation of Satellite Dish Antennas	166
25.2	Purpose	166
25.3	Definitions	166
25.4	Zoning Permit Required	167
25.5	Ground-Mounted Satellite Dish Antennas	167
25.6	Roof-Mounted Satellite Dish Antennas	168
25.7	Variances on Locational Characteristics	168
25.8	Drug Paraphernalia Establish-	

TABLE OF CONTENTS  
(Cont'd.)

	<u>Page</u>
ments as Prohibited Uses	169
25.9 Regulations of Swimming Pools	169
25.10 Private Swimming Pools	169
25.11 Community or Club Swimming Pools	170
25.12 Regulation of Long-Term Parking Facilities as Accessory Uses	170
25.13 Conditional Use Permit Required	171
25.14 Permit Requirements	171
25.15 Regulation of Home Occupations	171
25.16 Definition	171
25.17 Regulation of Group Residential Facilities	172
25.18 Definition	172
25.19 Conditional Use Permit Requirements	173
25.20 Zoning of Group Residential Facilities	173
25.21 Variance to Distancing Requirement	173
25.22 Uniformity with Respect to Granting of Conditional Use Permits	174
25.23 Regulation of Factory-Built Housing; Design & Appearance Standards	174
25.24 Purpose	174
25.25 Definitions	174
25.26 Siting Requirements	174
25.27 Zoning of Factory-Built Housing	175
25.28 Single-Family Design & Appearance Standards	175
25.29 Uniformity with Respect to Granting of Variances	175
ARTICLE 26 Off-Street Parking & Loading Facilities	177
26.1 Applicability	177
26.2 Purpose	177
26.3 Off-Street Parking Design Standards	177
26.4 Handicapped Parking	179
26.5 Joint Parking Lots	180

TABLE OF CONTENTS  
(Cont'd.)

	<u>Page</u>
26.6 Modification of Requirements	180
26.7 Prohibited Uses; Temporary Uses	181
26.8 Parking of Disabled Vehicles	181
26.9 Schedule of Required Parking Spaces	182
26.10 Off-Street Storage Areas for Drive-In Services	188
26.11 Off-Street Loading Space Requirements	188
26.12 Off-Street Loading Design Standards	188
<b>ARTICLE 27 Signs</b>	<b>190</b>
27.0 General	190
27.1 Governmental Signs Excluded	190
27.2 General Requirements for All Signs and Districts	192
27.3 Permit Required	192
27.4 Signs Permitted in any District not Requiring a Permit	192
27.5 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit	193
27.6 Temporary Signs	193
27.7 Free-Standing Signs	193
27.8 Wall Signs Pertaining to Non-Conforming Uses	194
27.9 Political Signs	194
27.10 Portable Signs	194
27.11 Portable Sign Requirements & Guidelines	194
27.12 Sign Setback Requirements	195
27.13 Increased Setback	195
27.14 Setbacks for Off-Premises Signs	195
27.15 Setbacks for Public and Quasi-Public Signs	195
27.16 Sight Triangle	196
27.17 Special Yard Provisions	196
27.18 Limitation	196
27.19 Non-Conforming Signs and Structures	196

TABLE OF CONTENTS  
(Cont'd.)

	<u>Page</u>
27.20 Loss of Legal Non-Conform- ing Status	196
27.21 Violations	197
27.22 Aesthetic Criteria	197